

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JULEA WARD,

Plaintiff,

vs.

Case No. 09-CV-11237
HON. GEORGE CARAM STEEH

ROY WILBANKS, et al.,

Defendants.

_____/

ORDER DENYING DEFENDANTS' MOTION FOR
RECONSIDERATION AND GRANTING MOTION FOR CLARIFICATION [# 119]

Defendants filed the instant motion for reconsideration from the court's Order Denying Defendants' Motion to Dismiss or for Summary Judgment Due to Qualified Immunity (#28), entered on March 24, 2010. As discussed during a telephone conference with the attorneys on April 29, 2010, the court is denying the motion for reconsideration, but will permit defendants to file a renewed motion to dismiss or for summary judgment on the basis of qualified immunity. Reconsideration is not the proper vehicle for what defendants are attempting to do, which is to supplement their motion with discovery that was not available on the date their original motion was filed.

Defendants alternatively ask the court to clarify the conclusion of its Order to reflect that the court did not make any factual finding that plaintiff actually proved that defendants' reasons for her dismissal were pretextual, or that her constitutional rights were actually violated. The first sentence of the "Conclusion" section of the Order should be amended as follows, with the new language appearing in bold font:

Ward has sufficiently plead and come forward with evidence **from which a reasonable jury might conclude** that the EMU defendants' act of dismissing Ward violated First and Fourteenth Amendment rights so clearly established that a reasonable official in their position would have clearly understood that they were under an affirmative duty to refrain from such conduct.

The court also takes this opportunity to remind the parties that Local Rule 7.1(b)(2) limits the number of motions for summary judgment that a party can file:

A party must obtain leave of court to file more than one motion for summary judgment. For example, a challenge to several counts of a complaint generally must be in a single motion.

Now, therefore, for the reasons stated in this opinion, defendants' motion for reconsideration is DENIED and defendants' motion for clarification is GRANTED.

SO ORDERED.

Dated: May 4, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 4, 2010, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk